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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,218

09/26/2003

Makoto Mogamiya

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EXAMINER

PRABHAKHER, PRITHAM DAVID

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

07/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Office Action Summary	Application No. 10/670,218	Applicant(s) MOGAMIYA ET AL.	
	Examiner PRITHAM PRABHAKHER	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/05/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-2 and 4-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US Patent No.: 7391457B2).

*In regard to **Claim 1**, Fujimoto et al. disclose an electronic camera (Column 1, Lines 10-11) comprising:*

a photographing optical system (lens member 3A, Figures 1-2);

an image pick-up device (image sensor chip 1, Figures 1-2 and Column 4, Lines 9-11); and

a transmission optical component (lens portion 31, Figure 1 and Column 4, Lines 4 et seq.);

*wherein light rays of an object which are passed through said photographing optical system (3A) are incident on a sensor surface (1) of said image pick-up device through said transmission optical component (lens portion 31), (**Figure 1**),*

*wherein said transmission optical component is shaped so as to shift an image point of an object image formed through said photographing optical system rearwards with respect to said photographing optical system (**Figure 1**),*

*wherein said transmission optical component includes a concave lens surface having a negative optical power (Concave lens portion 3b, **Figure 1 and Column 4, Lines 41-45**),*

*wherein said transmission optical component is fixed to said image pick-up device (Lens portion 31 is fixed to the image pickup device 1, **Figure 1**) with the space between the sensor surface and the transmission optical system (There is a space between the sensor surface and the lens portion 31) being sealed in an air-tight manner (The epoxy that is used to affix the parts together enables the forming of an air-tight seal, **Column 5, Lines 18-32 and Column 7, Lines 16-39**).*

Although Fujimoto et al. disclose that the system can be used in a digital/electronic camera. However, the reference is silent in teaching that the camera is an electronic camera capable of capturing still images. Official notice is taken by the examiner on the feature of capturing still images. It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to enable the digital camera disclosed by Fujimoto et al. with the capabilities of capturing still images, because still images can be used for artistic purposes and wall hangings.

*With regard to **Claim 4**, Fujimoto et al. disclose the electronic still camera according to claim 1, wherein the surface on the photographing optical system side of said transmission optical component comprises a concave lens surface (Concave lens portion 3b, **Figure 1 and Column 4, Lines 41-45**).*

*Regarding **Claim 5**, Fujimoto et al. disclose the electronic still camera according to claim 1, wherein said transmission optical component comprises a concave lens having a concave surface on the sensor surface side (Figure 1).*

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US Patent No.: 7391457B2) as applied to claim 1 above, and further in view of Kobayashi (US Patent No.: 7084920B2).

*In regard to **Claim 2**, Fujimoto et al. disclose the electronic still camera according to claim 1 as taught above. However, Fujimoto et al. do not disclose the electronic still camera comprising a focal plane shutter, and wherein the said transmission optical component and said image pick-up device are positioned behind said focal plane shutter with respect to said photographing optical system. Kobayashi discloses an image pickup apparatus with a focal-plane shutter (Shutter Unit 8) in **Figures 1-5 and Column 1, Lines 39 et seq. of Kobayashi**. It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute a*

shutter taught by Kobayashi into the teachings disclosed by Fujimoto et al., because focal-plane shutters offer fast and accurate shutter speeds and it would have further been obvious to one of ordinary skill in the art at the time of the invention to dispose the shutter in front of the transmission optical component and image pickup device in order to regulate the time for allowing light to enter the image sensor.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US Patent No.: 7391457B2) as applied to claims 1 and 4 above, and further in view of Hamamura et al. (US Patent No.: 6700617B1).

*In regard to **Claim 6**, Fujimoto et al. disclose the electronic still camera according to claim 4 with an image pick-up device as taught above. However, Fujimoto et al. do not teach or disclose that the image pick-up device has a protection glass on the photographing optical system side with respect to said sensor surface and that the said transmission optical component is installed on the photographing optical system side of said protection glass. Hamamura et al. disclose a CCD 121 with a protection glass layer 123, **Column 8, Lines 49-62 and Figure 4 of Hamamura et al.** It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to incorporate a protection glass on the surface of the image pick-up device disclose by Fujimoto et al., because this protects the surface of the image pick-up device.*

Allowable Subject Matter

Claims 7-8 are objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRITHAM PRABHAKHER whose telephone number is (571)270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
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